

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**April 8, 2003**

**IN RE:**

**GENERIC DOCKET TO CONSIDER TECHNOLOGY  
ADVANCES AND GEOGRAPHIC DE-AVERAGING**

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**DOCKET NO.  
01-00339**

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**ORDER APPROVING REVISIONS TO THE STATEMENT OF GENERALLY AVAILABLE  
TERMS OF BELL SOUTH TELECOMMUNICATIONS, INC.  
RELATING TO GEOGRAPHIC DE-AVERAGING**

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This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate and Director Pat Miller of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on February 3, 2003, to consider revisions to the Statement of Generally Available Terms ("SGAT") of BellSouth Telecommunications, Inc. ("BellSouth") relating to geographic de-a-veraging. These revisions were filed on August 30, 2002, in Docket No. 97-00309, *In re: BellSouth Telecommunications, Inc.'s Entry Into Long Distance (InterLATA) Service in Tennessee Pursuant to Section 271 of the Telecommunications Act of 1996*.

**Statutory Framework**

An SGAT functions as an interconnection agreement that competing local exchange carriers ("CLECs") may accept without the need for separate negotiation. SGATs are governed by 47 U.S.C. § 252(f), which permits a Bell operating company such as BellSouth to prepare and file with State commissions a statement of the terms and conditions that such company generally offers within that State to comply with the requirements of 47 U.S.C. § 251 and the regulations thereunder and the standards applicable under 47 U.S.C. § 252. SGATs filed with State commissions are subject to

review pursuant to 57 U.S.C. § 252(f), which states:

(2) State commissions may not approve such statement unless such statement complies with subsection (d) of this section and section 251 of this title and the regulations thereunder. Except as provided in section 253 of this title, nothing in this section shall prohibit a State commission from establishing or enforcing other requirements of State law in its review of such statement, including requiring compliance with intrastate telecommunications service quality standards or requirements.

Accordingly, a state commission may not approve an SGAT unless it is consistent with the regulations promulgated by the FCC under 47 U.S.C. § 251 and the cost-based pricing standards for network elements set forth in 47 U.S.C. § 252(d).

### **Relevant Background**

On April 26, 2002, BellSouth submitted its third filing pursuant to 47 U.S.C. § 271 to the Authority in Docket No. 97-00309. After substantial negotiation, the parties in that Docket reached a Settlement Agreement on the issues related to 47 U.S.C. § 271 that were before the Authority.<sup>1</sup> On August 7, 2002, the panel in Docket No. 97-00309 unanimously voted to accept the Settlement Agreement and to reconvene on August 26, 2002, to deliberate the merits of the issues raised in this docket.<sup>2</sup>

During the August 26, 2002 Hearing, the panel considered BellSouth's request that the Authority find that its SGAT is consistent with 47 U.S.C. § 251 and contains cost-based rates for network elements consistent with 47 U.S.C. § 252(d). A majority of the panel voted to approve the SGAT under section 252(f) based on the findings that BellSouth's SGAT satisfies the requirements of 47 U.S.C. §§ 251 and 252(d).<sup>3</sup> On August 30, 2002, BellSouth filed in Docket No. 97-00309 a document purporting to update portions of its SGAT.

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<sup>1</sup> The Settlement Agreement addressed issues raised in Docket No. 97-00309, Docket No. 01-00193 and Docket No. 01-00362. The panels assigned to each of those dockets unanimously voted to accept the Settlement Agreement.

<sup>2</sup> The *Order Approving Settlement Agreement* in Docket No. 97-00309 memorializing these decisions was issued on August 29, 2002.

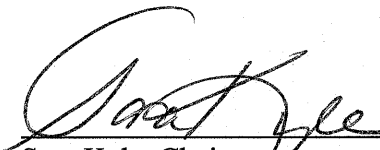
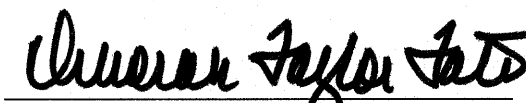
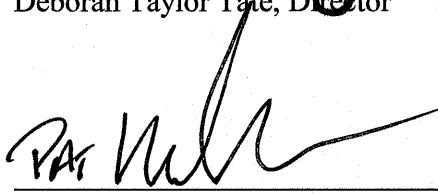
<sup>3</sup> Director Tate did not vote with the majority. She stated that, based upon the recent changes stemming from the Settlement Agreement in this docket and the resultant adoption of the Florida performance plan in the Performance Measurements Docket (Docket No. 01-00193), the version of the SGAT in effect at the time required substantial revision before it could be reviewed, much less approved.

### The February 3, 2003 Authority Conference

At the regularly scheduled Authority Conference on February 3, 2003, the panel assigned to this docket was informed that the portion of the August 30, 2002 document purporting to revise that portion of BellSouth's SGAT related to geographic deaveraging had been moved without opposition to Docket No. 01-00339, *In re: The Generic Docket to Consider Technology Advances and Geographic Deaveraging*, for administrative purposes. After considering the record and the revisions at issue, the panel unanimously found that the geographic deaveraged rates filed by BellSouth on August 30, 2002 as part of its SGAT revision were consistent with the stipulated methodology approved in this docket by the Authority on August 5, 2002.

#### **IT IS THEREFORE ORDERED THAT:**

1. The revisions to the Statement of Generally Available Terms related to geographic deaveraging filed by BellSouth on August 30, 2002, are hereby approved.
2. Any party aggrieved with the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within fifteen (15) days from the date of this Order.

  
Sara Kyle, Chairman  
Deborah Taylor Tate, Director  
Pat Miller, Director